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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

AUG 26 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments  
FM Broadcast Stations  
(Quanah, Archer City, Converse, Flatonia,  
Georgetown, Ingram, Keller, Knox City,  
Lakeway, Lago Vista, Llano, McQueeney,  
Nolanville, San Antonio, Seymour, Waco and  
Wellington, Texas, and Ardmore, Durant,  
Elk City, Healdton, Lawton and Purcell,  
Oklahoma.)

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) MM Docket No. 00-148  
) RM-9939  
) RM-10198  
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To: The Commission

MOTION FOR LEAVE TO FILE  
STUDY OF "TUCK" REPORTED DECISIONS

By Supplement to Opposition to Application for Review, Charles Crawford is submitting a "Study of Reported Decisions by the FCC Applying the 'Tuck' Precedent to Determine Whether to Grant or Deny a 'First Local Service Status' in FM Allotment Rulemaking Proceedings."

2. In the pleadings before the Commission, there are arguments pro and con about the "Tuck" formula applied in FM allotment proceedings to determine whether to credit a given allotment proposal as a first local broadcast service for the designated community. For purposes of the contending parties as well as the Commission and its staff assigned to the case, the study should be a useful resource to aid in the agency's decision, also in any future briefing of that decision.

3. For example, the study reflects that application of the Tuck formula almost invariably results in a determination that a first local service status should be awarded, regardless of the

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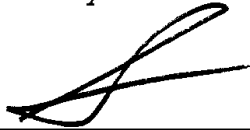
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widely varying facts and circumstances in the cases. Also, generally the setting of the cases is a proposed allotment (or reallocation) for a relatively small community that would be located close (or closer) to a nearby Urbanized Area/radio market while claiming 307(b) status as an independent first local station in its designated community. There do not appear to be cases in which an established major market broadcaster proposes to become a first local outlet, in order to acquire such 307(b) status, for one of the many relatively small communities within its existing service area.

4. Given what appears to be the normal processing time for agency consideration of contested applications for review of this nature, receipt of the "Tuck" study at this juncture should not materially delay the timetable in this litigation. There is no material prejudice to the parties; the study merely assists any and all concerned in reviewing, citing and dealing with applicable precedent.

5. Accordingly, the public interest is served by granting leave to file the Tuck study.

Respectfully submitted,



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August 26, 2004

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CERTIFICATE OF SERVICE

I certify that on this 26th day of August, 2004, I have caused copies of the foregoing MOTION FOR LEAVE TO FILE STUDY OF "TUCK" REPORTED DECISIONS to be placed in the US Mail, first class, postage prepaid, addressed to the following:

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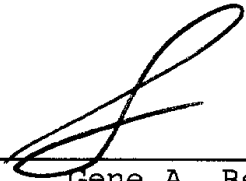
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